

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Eolas Technologies Incorporated,	§	
	§	
Plaintiff,	§	Civil Action No. 6:09-CV-00446-LED
	§	
vs.	§	
	§	
Adobe Systems Inc., Amazon.com, Inc.,	§	JURY TRIAL
Apple Inc., Argosy Publishing, Inc.,	§	
Blockbuster Inc., CDW Corp.,	§	
Citigroup Inc., eBay Inc., Frito-Lay, Inc.,	§	
The Go Daddy Group, Inc., Google Inc.,	§	
J.C. Penney Company, Inc., JPMorgan	§	
Chase & Co., New Frontier Media, Inc.,	§	
Office Depot, Inc., Perot Systems Corp.,	§	
Playboy Enterprises International, Inc.,	§	
Rent-A-Center, Inc., Staples, Inc., Sun	§	
Microsystems Inc., Texas Instruments Inc.,	§	
Yahoo! Inc., and YouTube, LLC	§	
	§	
Defendants.	§	

JOINT MOTION TO STAY

Plaintiff Eolas Technologies Incorporated and Defendant Office Depot, Inc. hereby jointly and respectfully request that all activities (discovery, motion briefing, expert reports, etc.) as to Office Depot, Inc. be stayed for two weeks. The parties have reached an oral agreement to settle this case subject to the drafting and execution of a written settlement and license agreement acceptable to both parties. The Parties respectfully request this stay and extension of all pre-trial deadlines so that the Parties may focus on the drafting and execution of a written settlement and license agreement. The Parties seek to execute a formal settlement agreement and stipulation of dismissal of all claims and counterclaims in this action within the next two weeks. The Parties agree that this Motion does not effect the date of trial, jury selection or the pretrial conference.

DATED: June 3, 2011.

Suzanne M. Wallman
Brett E. Bachtell
Natalie Bennett
MCDERMOTT WILL & EMERY
227 West Monroe Street
Chicago, IL 60606
312.372.2000
swallman@mwe.com
bbachtell@mwe.com
nbennett@mwe.com

David M. Stein
MCDERMOTT WILL & EMERY
18191 Von Karman Avenue
Suite 500
Irvine, CA 92612
949.851.0633
dstein@mwe.com

J. Thad Heartfield
THE HEARTFIELD LAW FIRM
2195 Dowlen Road
Beaumont, TX 77706
409.866.3318
thad@jth-law.com

**ATTORNEYS FOR DEFENDANT
OFFICE DEPOT, INC.**

Respectfully submitted,

McKool Smith, P.C.
/s/ Mike McKool
Mike McKool
Lead Attorney
Texas State Bar No. 13732100
mmckool@mckoolsmith.com
Douglas Cawley
Texas State Bar No. 04035500
dcawley@mckoolsmith.com
Holly Engelmann
Texas State Bar No. [24040865](https://www.sba.gov/id/24040865)
hengelmann@mckoolsmith.com
McKool Smith, P.C.
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: (214) 978-4000
Telecopier: (214) 978-4044

Kevin L. Burgess
Texas State Bar No. 24006927
kburgess@mckoolsmith.com
John B. Campbell
Texas State Bar No. 24036314
jcampbell@mckoolsmith.com
Josh W. Budwin
Texas State Bar No. 24050347
jbudwin@mckoolsmith.com
Gretchen K. Curran
Texas State Bar No. 24055979
gcurran@mckoolsmith.com
Matthew B. Rappaport
Texas State Bar No. 24070472
mrappaport@mckoolsmith.com
McKool Smith, P.C.
300 West Sixth Street, Suite 1700
Austin, Texas 78701
Telephone: (512) 692-8700
Telecopier: (512) 692-8744

**ATTORNEYS FOR PLAINTIFF
EOLAS TECHNOLOGIES, INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A) on this June 3, 2011.

/s/ John B. Campbell
John B. Campbell

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Eolas Technologies Incorporated, John B. Campbell, conferred with J. Thad Heartfield on behalf of Office Depot, Inc. on June 3, 2011, regarding the foregoing motion, who represented that Office Depot, Inc. joins in this motion.

Dated: June 3, 2011

/s/ John B. Campbell
John B. Campbell